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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

SHOTSAY POSCIRI,

Plaintiff-Intervenor,

vs.

UNITED FREIGHT AND TRANSPORT,
INC.,

Defendant.

Case No. 3:05-cv-0122-JWS

PROPOSED ORDER ESTABLISHING AS 09.17.020 AS LAW OF THE CASE

Having considered Defendant United Freight and Transport's Motion for Rule of Law of the Case Regarding Punitive Damage Evidence, and any opposition thereto,

IT IS HEREBY ORDERED that AS 09.10.070 shall control the discovery and presentation of punitive damage evidence in this case. Accordingly, trial shall be bifurcated and discovery of Defendant's financial condition is stayed unless and until the jury determines that punitive damages are awardable. All evidence on the issues to be

decided by jury, except the evidence on the amount of punitive damages, will be presented to the jury initially. The jury will then retire, deliberate, and return its verdict. If the jury finds that Defendant is liable and that punitive damages are awardable under either federal or state law, then Defendant will immediately produce evidence of its financial condition¹ to the Plaintiffs and evidence relevant to determining the amount, if any, of punitive damages to be awarded will be presented to the same jury. After presentation of such evidence, the jury will retire and deliberate on the amount of punitive damages, if any, to award and return its verdict.

ENTERED this _____ day of _____, 2006, at Anchorage, Alaska.

JOHN W. SEDWICK
United States District Court Judge

CERTIFICATE OF SERVICE

This certifies that on this 19th day of May, 2006, a true and correct copy of the foregoing document was served electronically on the following:

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s/ Wendy E. Leukuma _____

¹ This order does not address the scope of discoverable or admissible evidence related to Defendant's financial condition.